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To	Company	Fax	Phone
Examiner Ralph Gitomer	Group Art Unit 1623 USPTO	571-273-8300	571-273-8300

From: Lynda Calderone

Total Pages: 7

Direct Dial: 215.965.1272

Re: U.S. Patent Application No. 10/091,260 of Felkner et al. for "Methods, Compositions and Kits For Biological Indicator of Sterilization"  
Docket No.: 61-2U5

Title of Paper(s) being sent: Copies of: Information Disclosure Statement, SB/08A (3 pages) and copy of PTO stamped postcard (both sides) - Filed July 11, 2002

Message: Examiner Gitomer: I located on PAIR the initialed copy of the IDS which was filed on August 1, 2002 which only cites one patent (so I now do not need that one reviewed), but PAIR does not reflect the IDS filed July 11, 2002, which cited art that was either cited to or by the Examiner in the parent filing (09/563,707). Accordingly, pursuant to our conversation of January 28, 2005, I have attached a copy of the July 11, 2002 IDS along with the SB/08/A form and stamped postcard for your consideration. Please make the IDS part of the official record and send us a copy of the initialed SB/08A form (can be attached to a Supplemental Notice of Allowance if you prefer).

Respectfully submitted, Lynda Calderone Reg. 35,837

200061.0020/2U5

Floor: 11

☐ Return fax via Interoffice Mail

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Secretary: Theresa Ehret

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One Commerce Square / 2005 Market Street, Suite 2200 / Philadelphia, Pennsylvania 19103-7013 / 215.965.1200 / fax: 215.965.1210 / akingump.com

I HEREBY CERTIFY THAT THE CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231, ON THE DATE INDICATED BELOW.

BY: Judi E. Mager

DATE: July 11, 2002

PATENT  
BOX NON-FEE AMENDMENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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JAN 28 2005

In re: Patent Application of : Group Art Unit 1623  
I. Cecil Felkner, *et al.* :  
: Conf. No.: 8046 :  
: Appln. No.: 10/091,260 : Examiner: Not Yet Assigned  
: Filed: March 4, 2002 :  
: For: METHODS, COMPOSITIONS AND KITS : Attorney Docket  
FOR BIOLOGICAL INDICATOR OF : No. 61-2U5  
STERILIZATION :  
:

**COPY**

**INFORMATION DISCLOSURE STATEMENT**

It is requested that the references listed on the attached Information Disclosure Citation Form PTO/SB/08A be considered by the Patent Examiner in connection with the above-identified application and be made of record therein.

Copies of the references were previously cited by and/or submitted to the U.S. Patent and Trademark Office in related Application No. 09/563,707, filed May 2, 2002 (the "prior application"). The present application relies, under 35 U.S.C. § 120, on the filing date of the prior application. Therefore, under 37 C.F.R. § 1.98(d), copies of the references are not enclosed, but will be provided on request.

Independent consideration and acknowledgment of the listed references are respectfully requested.

Respectfully submitted,

IRA C. FELKNER, *et al.*

7/10/02 By: [Signature]  
(Date)

LYNDA L. CALDERONE

Registration No. 35,837

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LLC/WCY/vj  
Enclosure

Form PTO/SB/08A		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	10/091,260
		Filing Date	March 4, 2002
		First Named Inventor	I. Cecil Felkner <i>et al.</i>
		Group Art Unit	1623
		Examiner Name	Not Yet Assigned
Sheet 1 of 3	Attorney Docket Number	61-2U5	

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U.S. PATENT DOCUMENTS				
Exr Initials	U.S. Patent Document		Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-YYYY
	Number	Kind Code (if known)		
	3,440,144		Andersen	04-1969
	3,730,842		Wyatt et al.	05-1973
	3,770,351		Wyatt	11-1973
	3,815,000		Phillips et al.	06-1974
	4,101,383		Wyatt et al.	07/1978
	4,140,018		Maldarelli et al.	02-1979
	4,173,415		Wyatt	11-1979
	4,416,984		Wheeler, Jr.	11-1983
	4,461,837		Karle et al.	07-1984
	4,528,268		Andersen et al.	07-1985
	4,541,719		Wyatt	09-1985
	4,548,500		Wyatt et al.	10-1985
	4,596,773		Wheeler et al.	06-1986
	4,616,927		Phillips et al.	10-1986
	4,621,063		Wyatt et al.	11-1986

FOREIGN PATENT DOCUMENTS						
Exr Initials	Foreign Patent Document			Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-YYYY	T <sub>1</sub>
	Country Code	Number	Kind Code (if known)			
	SU	903382	B	Gororumor et al. (English Language Abstract Only)	02-1982	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Exr Initials	Include Name of first Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), volume-issue number(s), page(s), date (in parentheses). If a book, also include publisher and city and/or county where published.			T <sub>1</sub>
	Shahamat, M. <i>et al.</i> "Bacterial Retention By Membrane Filters"; Abstract for American Society for Microbiology Meeting, Chicago, IL. One Page, (June 1, 1999).			
	Anderson, E.M. <i>et al.</i> "Potential Application of LASER/Microbe Bioassay Technology for Determining Water-Soluble Vitamins in Foods" <i>Journal of AOAC International</i> , Vol. 76, No. 3, pp. 682-689 (1993).			
	Felkner, I.C. <i>et al.</i> "Newest Approaches to Quantitative Assessment of Bioactive Organotins". <i>Science and Technology Letters</i> , Vol.1, No. 3, pp. 79-92 (October 1989)			
	Felkner, I.C., Ed. Marcel Dekker, Inc., "Microbial Assay Construction: Rationale, Specificity, and Utility". In <i>Microbial Testers: Probing Carcinogenesis</i> , NY, Vol. 5, Part 2, pp. 89-91 (1991).			

Examiner Signature		Date Considered	
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Form PTO/SB/08A		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	10/091,260
		Filing Date	March 4, 2002
		First Named Inventor	I. Cecil Felkner et al.
		Group Art Unit	1623
		Examiner Name	Not Yet Assigned
Sheet 2 of 3	Attorney Docket Number		61-2U5

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U.S. PATENT DOCUMENTS				
Exr Initials	U.S. Patent Document		Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-YYYY
	Number	Kind Code (if known)		
	4,693,602		Wyatt et al.	09-1987
	4,710,025		Wyatt et al.	12-1987
	4,717,661		McCormick et al.	01-1988
	4,810,875		Wyatt	03-1989
	4,907,884		Wyatt et al.	03-1990
	4,952,055		Wyatt	08-1990
	5,129,723		Howie et al.	07-1992
	D.329,821		Wyatt et al.	09-1992
	5,073,488		Matner et al.	12-1991
	5,167,923		Van Iperen	12-1992
	5,223,401		Foltz et al.	06-1993
	5,252,484		Matner et al.	10-1993
	5,305,071		Wyatt	04-1994
	5,366,872		Hird et al.	11-1994
	5,405,580		Palmer	04-1995
	5,486,459		Burnham et al.	01-1996
	5,498,526		Caputo et al.	03-1996

FOREIGN PATENT DOCUMENTS					
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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
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	Felkner, I.C.; Laumbach, A.D.; Harter, M.L. "Development of A B.Subtilis System to Screen Carcinogens/Mutagens: DNA-Damaging And Mutation Assays"; pp. 93 -119, (Date not specified).		

Examiner Signature		Date Considered	
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Form PTO/SB/08A		<b>Complete if Known</b>	
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		<b>First Named Inventor</b>	I. Cecil Felkner et al.
		<b>Group Art Unit</b>	1623
		<b>Examiner Name</b>	Not Yet Assigned
<b>Sheet</b>	3 of 3	<b>Attorney Docket Number</b>	61-2U5

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	Number	Kind Code (if known)		
	5,500,184		Palmer	03-1996
	5,516,648		Malchesky et al.	05-1996
	5,530,540		Wyatt et al.	06-1996
	5,552,320		Smith	09-1996
	5,616,457		Garcia-Rubio	04-1997
	5,620,656		Wensky et al.	04-1997
	5,736,355		Dyke et al.	04-1998
	5,739,004		Woodson	04-1998
	5,750,184		Imburgia	05-1998
	5,770,393		Dalmasso et al.	06-1998
	5,795,730		Tautvydas	08-1998
	5,801,010		Falkowski et al.	09-1998
	5,808,738		Garcia-Rubio	09-1998
	6,187,555	B1	Tautvydas	02-2001

FOREIGN PATENT DOCUMENTS						
Exr Initials	Foreign Patent Document			Name of Inventor or Applicant of Cited Document	Date of Publication of Cited Document MM-YYYY	T <sub>1</sub>
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Examiner Signature		Date Considered	
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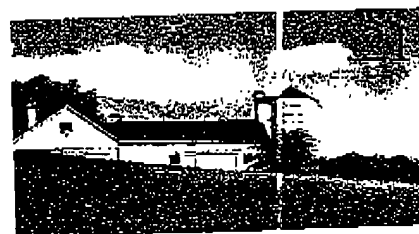
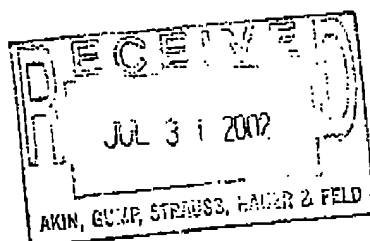
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 PAT APP/PATENT/REEXAM/INTF# 10/091,260  
 OF I. CECIL FELKNER, ET AL.  
 FOR: METHODS, COMPOSITIONS AND KITS FOR BIOLOGICAL...  
 RECEIPT IS ACKNOWLEDGED BY THE USPTO FOR THE FOLLOWING:  
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